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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:
SACCO, et al.

Serial No.: 09/486,660

Int'l. Application No.: PCT/IT98/00231

I.A. Filing Date: 08/11/98

Title: TRANSGENIC ANIMALS FOR THE
STUDY OF BIOLOGICAL, PHYSICAL
AND CHEMICAL TOXIC AGENTS

* Attorney Docket No.: 3695-0101P

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* Art Unit:

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* Examiner:

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DECLARATION UNDER 37 CFR 1.132

Box: PCT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, Beatrice Salvador, declare and say as follows:

On November 19, 2001, I contacted Ms. Sylvie Roncucci by telephone, and she orally indicated that she would not sign the application papers.

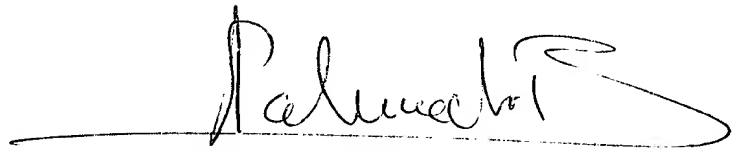
The same day, on November 19, 2001, I mailed a copy of the application papers including a copy of the specification, claims, and drawings of the above-cited U.S. patent application, a Declaration/Power of Attorney form therefore, a copy of the cover letter that accompanied a courier sent to Ms. Sylvie Roncucci on October 10, 2001, and a blank letter for signature in English and its French translation, to Ms. Sylvie Roncucci. The mailing was addressed to Ms Sylvie Roncucci, Via Thaon di Revel, 12, 20159

Milano, Italy. A copy of the cover letter of October 10, 2001 with its corresponding DHL receipt and a copy of the blank letter for signature in English and its French translation are attached.

Ms. Sylvie Roncucci refused to sign the application papers, as evidenced by the attached letter dated November 19, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of this patent application or any patent issued thereon.

Date: 14.03.2002

A handwritten signature in black ink, appearing to read "Beatrice Salvador", written over a horizontal line.

Beatrice Salvador

Enclosed:

- Letter to Sylvie Roncucci of October 10, 2001 with corresponding DHL receipt
- Two blank letters in English and in French
- Letter from Ms. Sylvie Roncucci of November 19, 2001

Gene Control S.A.

BY DHL
Signora Sylvie Roncucci
Via Thaon di Revel, 12
20159 Milano
Italy

Geneva, 10 october 2001

Subject : « Transgenic animals for the study of biological, physical and chemical toxic agents. » USA Patent Application.

Dear Madam,

Following the instructions of our patent attorneys Me François Bess and André Roland, you will find attached an American Assignment for the New Patent Application.

We received this Assignment which needs to be re-signed due to some administrative reason which escapes us. In addition, this is extremely urgent.

Please have these applications signed also and send them back to Gene Control SA by DHL.

If you have any questions or should you wish to contact us, please do not hesitate.

Thank you in advance.

Yours sincerely,

Dr Peter Bromley
President & CEO

Enc.

P.O. Box 227, 1211 Geneva 24, Les Acacias, Switzerland
Tel : +41 22 3000370, Fax : +41 22 3000372
e-mail : genecontrol@infomaniak.ch



Shipment Airwaybill

(Non negotiable)

From (Sender)		To (Receiver)	
Account no. 2750604	Sender's name GENE CONTROL S.A.	Party name SARON S.p.A. Penco	Party name SARON S.p.A. Penco
Sender's reference first twelve characters will be shown on invoice		Delivery address DHL cannot deliver to a PO Box Via Thonadi Reol, 10	
Address CH-1201 GENEVE 24 - SWITZERLAND		Country Italy	
Phone / Fax / E-mail specify one 022/300.03.70		Phone / Fax / E-mail specify one SARON Penco	

4 Size and weight

No. of pieces **1** Weight **kg**

Dimensions cm L x W x H
x x x

VOLUMETRIC/CHARGED WEIGHT

kg

3 Shipment details

Not all payment and service options are available in all countries.

Services

☒ DOCUMENT

☐ WORLDWIDE PACKAGE EXPRESS all declares

☐ INTRA EC (in free circulation)

☐ EXPRESS DOCUMENT

☐ DOMESTIC

☐ WORLDMAIL Airmail/Printed Matter specify one

☐ OTHER SERVICE Specify

Transport charges if left blank sender pays transport charges

☒ Sender

☐ Cash / Cheque / Credit Card

☐ For approved customers only

☐ External Billing Agreement

☐ Transport Collect

Shipment Insurance

☐ YES Insured value give currency

☐ NO

Full description of contents

International Worldwide Package Express shipments only

Attach the Original and two Copies of a Proforma or Commercial Invoice

Declared value for Customs give currency Sender's VAT / GST no.

Harmonised commodity code if applies Receiver's VAT / GST no. or EIN / SSN

Type of export ☐ PERMANENT ☐ REPAIR/RETURN ☐ TEMPORARY

Destination duties / taxes if left blank receiver pays duties / taxes

☐ Receiver ☐ Sender ☐ Other Specify destination approved account number

Sender's authorisation and signature

Signature **SARON Penco** Date **10/10/01**

Agree that DHL's standard terms apply to this shipment and limit DHL's liability by other than the country of departure. The Convention governs, and liability for loss or damage to such shipment involves an ultimate liability by other than the country of departure.

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DESTINATION **TR**

475 4532985

Quote this shipment number in an enquiry



Sender's Copy

CHARGES

Services

CODES

Special

Insurance

Other/VAT

CURRENCY CODE

TOTAL

TRANSPORT COLLECT STICKER No.

PAYMENT DETAILS

Cheque / Card no.

PICKED UP BY

Route No.

Time

Date

Sylvie RONCUCCI
Via Thaon di Revel, 12
20159Milano
ITALIA

Gène Control S.A.
9, rue de Boissonas
Bâtiment OPI
Case Postale 227
CH-1211 -Genève 24

Milan, le 19 novembre 2001

**Refus de signer les documents relatifs à la demande de brevet :
Demande de brevet aux Etats-Unis No. 09/486.660 du 28 février 2000
"TRANSGENIC ANIMALS FOR THE STUDY OF BIOLOGICAL PHYSICAL AND
CHEMICAL TOXIC AGENTS"**

Mesdames, Messieurs,

J'accuse réception des documents relatifs à la demande de brevet susmentionnée, que vous m'avez envoyés par courrier DHL en date du 25 septembre 2001. Notamment, de la Déclaration cataloguant tous les inventeurs, leur nationalité et leur droit sur l'invention et accompagnée d'une feuille annexée m'étant adressée en tant qu'héritière de l'inventeur M. Roméo RONCUCCI (décédé).

Par la présente, je vous confirme que pour des motifs personnels, je ne signerai pas ladite Déclaration.

Je vous prie d'agréer, Mesdames, Messieurs, l'expression de mes sentiments distingués.

Sylvie Roncucci

Sylvie RONCUCCI
Via Thaon di Revel, 12
20159 Milano
ITALIA

Gene Control S.A.
9, rue de Boissonas
Bâtiment OPI
Case Postale 227
CH - 1211 - Genève 24

Milano, November 19, 2001

***Refusal to sign Application Papers related to:
US Patent Application No. 09/486.660 filed February 28, 2000
"TRANSGENIC ANIMALS FOR THE STUDY OF BIOLOGICAL PHYSICAL AND
CHEMICAL TOXIC AGENTS"***

Dear Sirs,

I acknowledge safe receipt of the Application Papers concerning the above-mentioned Patent Application, that you sent to me by DHL Courier on September 25, 2001. Namely, the Declaration identifying each inventor, their citizenship and their rights on the invention with an added page at my intention as Heir of the inventor M. Romeo RONCUCCI (deceased).

This is to confirm, that for personal reasons, I will not sign said Declaration.

Yours Faithfully,

Sylvie Roncucci

Sylvie RONCUCCI
Via Thaon di Revel, 12
20159 Milano
ITALIA

Gène Control S.A.
9, rue de Boissonas
Bâtiment OPI
Case Postale 227
CH-1211 -Genève 24

Milan, le 19 novembre 2001

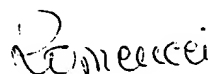
**Refus de signer les documents relatifs à la demande de brevet :
Demande de brevet aux Etats-Unis No. 09/486.660 du 28 février 2000
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Par la présente, je vous confirme que pour des motifs personnels, je ne signerai pas ladite Déclaration.

Je vous prie d'agréer, Mesdames, Messieurs, l'expression de mes sentiments distingués.

Sylvie Roncucci



Sylvie RONCUCCI
Via Thaon di Revel, 12
20159 Milano
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Gene Control S.A.
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CH - 1211 - Genève 24

Milano, November 19, 2001

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Yours Faithfully,

Sylvie Roncucci

Roncucci



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
SACCO, et al.

Serial No.: 09/486,660

Int'l. Application No.: PCT/IT98/00231

I.A. Filing Date: 08/11/98

Title: TRANSGENIC ANIMALS FOR THE
STUDY OF BIOLOGICAL, PHYSICAL
AND CHEMICAL TOXIC AGENTS

* Attorney Docket No.: 3695-0101P
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* Art Unit:
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* Examiner:
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DECLARATION UNDER 37 CFR 1.132

Box: PCT
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, Peter Bromley, declare and say as follows:

I am the Peter Bromley who is one of the co-inventors in the subject U.S. patent application. I am also The Chief Executive Officer of Gene Control S.A., a corporation of Switzerland, which is an assignee of a partial interest in the subject U.S. patent application.

I have personally attempted to obtain the signature of Ms. Anne Georgette Cristiane Delachet, guardian of Roxanne Roncucci, a minor heir of our deceased co-inventor Romeo Roncucci.

In a Decision dated November 28, 2001, the PCT Legal Office stated that

... applicants have not sufficiently established that Ms. Delachet's conduct constitutes a refusal to sign the application papers. The application papers included a cover letter which requested a response by 30 September 2001 (see translation of letter dated 25 September 2001). The renewed petition was filed on 28 September 2001, before the requested response period elapsed and merely two days after the apparent receipt of the correspondence. It would be unreasonable to conclude that the failure of Ms. Delachet to respond within two days constitutes a refusal to sign the application papers.

In a Decision dated January 11, 2002, the PCT Legal Office stated that

... applicants have not sufficiently established that Ms. Delachet's conduct constitutes a refusal to sign the application papers for the reasons set forth in the decision mailed 28 November 2001. Furthermore, the exceptionally brief four day period in which Ms. Delachet was required to respond is deemed inadequate.

Ms. Delachet received the correspondence containing the application papers (including specification, claims, drawings, and oath or declaration) on 26 September 2001. (See 11/28/01 Decision, page 4, first paragraph.) Despite my prior attempts to secure her signature – which have been documented in previous correspondence with the USPTO – and despite my urgent request that she respond to my 25 September 2001 correspondence, Ms. Delachet has still, four months later, not signed the documents. Further she has clearly told us that she will not sign these patent documents for personal reasons.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 8th, 2002.

Peter Bromley.
Peter Bromley